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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	Case No.: 2:16-cr-00030-JAD-(CWH)
Plaintiff,	)	
	)	STIPULATION TO CONTINUE
vs.	)	SENTENCING
	)	(First Request)
RAFAEL CRUZ-RODRIGUEZ,	)	
	)	
Defendant.	)	

IT IS HEREBY STIPULATED AND AGREED, by and between Kristine M. Kuzemka, Esq., counsel for defendant, Rafael Cruz-Rodriguez, and Daniel Bogden, United States Attorney; Susan Cushman, Assistant United States Attorney, counsel for the United States of America, that sentencing in the above-captioned matter currently scheduled to commence on Monday, December 19, 2016, at 10:00 a.m. be vacated and continued to a date and time convenient to all parties, but no earlier than 45 days.

This Stipulation is entered into for the following reason:

1. The sentencing is being continued to give additional defendants the opportunity to plead guilty and qualify for the two-level reduction for a group plea.
2. The parties agree to the continuance.
3. The defendant is in custody but does not object to the continuance.

DATED this the 9<sup>th</sup> day of December, 2016.

DANIEL G. BOGDEN  
United States Attorney

/s/  
SUSAN CUSHMAN  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RAFAEL CRUZ-RODRIGUEZ,

Defendant.

) Case No.: 2:16-cr-00030-JAD-(CWH)

) FINDINGS OF FACT, CONCLUSIONS OF  
) LAW, AND ORDER TO CONTINUE  
) SENTENCING

**FINDINGS OF FACT**

Based upon the pending Stipulation of the parties, and good cause appearing therefore,  
the Court finds that:

1. That co-defendant is still pending plea and Defendant RAFAEL CRUZ-RODRIGUEZ requests this continuance so that he can receive the benefit of the group plea reduction prior to the imposition of his sentence;
2. That the AUSA Susan Cushman is in agreement with the continuance;
3. That counsel has spoken to her client, RAFAEL CRUZ-RODRIGUEZ, who is in custody, and he has no objection to the continuance; and
4. That denial of this request for a continuance could result in a miscarriage of justice.

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**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interests of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice.

**ORDER**

IT IS THEREFORE ORDERED that sentencing in the above-captioned matter currently scheduled for December 19, 2016 at 10:00 a.m. be vacated and continued until February 6, 2017, at the hour of 1:30 p.m.

DATED this 12th day of December, 2016.

  
UNITED STATES DISTRICT COURT JUDGE

Respectfully submitted by:

/s/ Kristine M. Kuzemka  
KRISTINE M. KUZEMKA, ESQ.  
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9345 W. Sunset Rd., Suite 100  
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Attorney for Defendant  
RAFAEL CRUZ-RODRIGUEZ